

Patent  
Attorney's Docket No. 001560-372

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of )  
                                  )  
SUZUKI et al               ) Group Art Unit: 1651  
                                  )  
Application No.: 09/389,318 ) Examiner: I. Marx  
                                  )  
Filed: September 3, 1999    )  
                                  )  
For:   METHOD FOR PRODUCING )  
      HIGHLY UNSATURATED FATTY )  
      ACIDS AND LIPID CONTAINING )  
      SAME                      )

**DEPOSIT DECLARATION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Dawn M. Gardner, Reg. No. 44,118, do hereby declare:

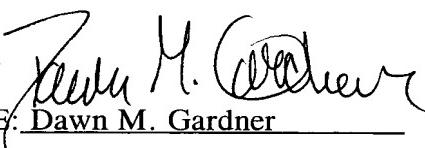
- [1] That my address is Burns, Doane, Swecker & Mathis, L.L.P., P.O. Box 1404, Alexandria, Virginia 22313-1404;
- [2] That I am an agent of record in the above-identified application;
- [3] That *Mortierella* sp. SAM2197 was deposited at the National Institute of Science and Human-Technology Agency of Industrial Science and Technology, 1-3, Higashi 1 chome, Tsukuba-shi, Ibaraki-ken, 305, Japan, as FERM BP-6261;
- [4] That the depository recited in paragraph [3] affords permanence of the deposit and ready accessibility thereto by the public if the patent is granted;
- [5] That all restriction on the availability to the public of the deposited material recited in paragraph [3] will be irrevocably removed upon the granting of a patent;

[6] That the material has been deposited under conditions that assure that access to the material will be available during the pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. § 1.14 and 35 U.S.C. § 122;

[7] That the deposited material recited in paragraph [3] is maintained with all the care necessary to keep it viable and uncontaminated for a period of at least five years after the most recent request for the furnishing of a sample of the deposited microorganism, and in any case for a period of at least thirty (30) years after the date of deposit or for the enforceable life of the patent, whichever period is longer; and

[8] That I further declare that all statements made therein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the instant patent application or any patent issuing thereon.

DATE: February 28, 2001

  
NAME: Dawn M. Gardner

REG NO.: 44,118

DEPOSITOR  
Name Suntory Limited

BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF  
MICROORGANISMS FOR THE PURPOSES OF  
PATENT PROCEDURE

Representative Shinichiro Torii

Address 1-40, Dojimahama 2-chome  
Kita-ku, Osaka-shi, Osaka

RECEIPT IN THE CASE OF AN ORIGINAL  
DEPOSIT

issued pursuant to Rule 7.1 by the  
INTERNATIONAL DEPOSITORY AUTHORITY  
identified at the bottom of this page.

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the  
DEPOSITOR: Mortierella sp. SAM2197

(Deposition Number)

FERM BP-6261

II. SCIENTIFIC DESCRIPTION AND/OR TAXONOMIC DESIGNATION

The microorganism identified under I above was accompanied by:

- a scientific description
- a proposed taxonomic designation

(Mark with a cross where applicable)

III. RECEIPT AND ACCEPTANCE

This International Depositary Authority accepts the  
microorganism identified under I above, which was received by it on  
March 3, 1997 (Date of the original deposit)<sup>1</sup>.

IV. RECEIPT OF TRANSFER

This International Depositary Authority accepted the  
microorganism identified under I above, on March 3, 1997 (Date of the  
original deposit), and accepted a request for transfer to a deposition  
under Budapest treaty from the original deposition, on February 18, 1998  
(Transferred from FERM P-16106 deposited on March 3, 1997).

V. INTERNATIONAL DEPOSITORY AUTHORITY

National Institute of Science and Human-Technology

Agency of Industrial Science and Technology

Director General                   Shinichi Ohashi

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1-3, Higashi 1 chome, Tsukuba-shi,  
Ibaraki-ken, 305, Japan

February 18, 1998

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

[特許手続上の微生物の寄託の国際的承認に関するブダペスト条約]

下記国際寄託当局によって規則 7. 1 に従い発行される。

原寄託についての受託証

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

issued pursuant to Rule 7. 1 by the INTERNATIONAL DEPOSITORY AUTHORITY identified at the bottom of this page.

氏名（名称） サントリー株式会社  
代表取締役

鳥井 信一郎

殿

寄託者

あて名 〒

大阪府大阪市北区堂島浜2丁目1番40号

1. 微生物の表示

(寄託者が付した識別のための表示)

Mortierella sp. SAM2197

(受託番号)

FERM BP- 6261

2. 科学的性質及び分類学上の位置

1欄の微生物には、次の事項を記載した文書が添付されていた。

- 科学的性質
- 分類学上の位置

3. 受領及び受託

本国際寄託当局は、平成 9 年 3 月 3 日（原寄託日）に受領した1欄の微生物を受託する。

4. 移管請求の受領

本国際寄託当局は、平成 9 年 3 月 3 日（原寄託日）に1欄の微生物を受領した。

そして、平成 10 年 2 月 18 日に原寄託よりブダペスト条約に基づく寄託への移管請求を受領した。

（平成 9 年 3 月 3 日に寄託された微工研菌寄第 P- 16106 号より移管）

5. 国際寄託当局

通商産業省工業技術院生命工学工業技術研究所

名 称： National Institute of Bioscience and Human-Technology  
Agency of Natural Resources and Environmental Science and Technology

所 長 大 筲 信

Dr. Shinji Yamashita Director-General

あて名： 日本国茨城県つくば市東1丁目1番3号（郵便番号305-8566）

1-3, Higashi 1 chome Tsukuba-shi Ibaraki-ken.

305-8566, JAPAN

平成10年(1998) 2月18日